IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No.22870 of 2008
AWADHESH PANDEY
Versus
THE STATE OF BIHAR
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3 24.09.2008 Heard learned counsel for the petitioner and the State.

The case is under Section 302, 120B/34 of the Indian Penal Code.

The informant states that his brother Nathuni Singh had gone out on his motor-cycle on 7.12.2006 but he did not come back next day. Villagers Ram Babu Paswan and Munna Kumar informed him that while they were going to market, they saw that the motor-cycle of the deceased was lying on footpath and dead body of the deceased was lying on the ridge of the field of Rudal Ram. The informant raised suspicion on the petitioner and some others on the ground that prior to the occurrence there had been a quarrel between the deceased and the petitioner and those others.

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Learned counsel for the petitioner submits that the petitioner has been implicated on suspicion only and there is nothing specific or direct allegation against the

petitioner to show his complicity in the crime.

Mr. Ansarul Haque, learned APP submits that witnesses have suspected about the complicity of the petitioner. Learned APP does not point out any other material to indicate the petitioner's complicity. The learned counsel for the petitioner submits that the petitioner is said to be in custody since 10.04.2008.

In the facts and circumstances of the case, the petitioner, Awadhesh Pandey is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of District and Sessions Judge, Fast Track Court III, East Champaran at Motihari in connection with Sessions Trial No. 2939/08 arising out of Pipra P.S. Case No. 158/06.

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Kundan **(C.M. Prasad, J.)**